

REMARKS

Claims 1-5 and 8-10 are rejected, and claims 6 and 7 are objected to as being allowable if rewritten in independent form.

Review and reconsideration on the merits are requested.

Claims 1-4 and 8-10 were rejected under 35 U.S.C. § 102(a) as being anticipated by JP 2003-096285 (JP '285). The Examiner considered JP '285 as disclosing a resin composition meeting the terms of the rejected claims, the resin composition including mixtures of poly L-lactic acid and poly D-lactic acid in amounts overlapping in scope with claim 8 and further including units derived from polypropylene glycol and polybasic carboxylic acids (citing paragraphs [0012], [0024], [0028], [0034], [0035] and [0045]).

In response, claim 1 has been amended to incorporate therein the recitation of claims 2 and 6. Claims 2-6 have been canceled. Claim 7 has been amended to depend from claim 1.

Claim 9, rewritten in independent form, is directed to a biodegradable resin molded article obtainable by injecting a biodegradable resin composition into a heated mold having a predetermined shape. The biodegradable resin composition comprises a L-lactic acid unit-containing resin (1) and a D-lactic acid unit-containing resin (2). Furthermore, claim 9 has been amended to incorporate therein the recitation of claim 10, to recite that the heating mold has a heating temperature of 90 to 130°C. Claim 10 has been canceled.

New claim 11 corresponds to claim 2 but depends from claim 9. New claims 12 and 13 correspond to claims 3 and 6, respectively, and depend on claim 11.

Applicants respectfully traverse the rejection over JP '285 with respect to amended independent claim 9 as follows.

JP '285 fails to disclose or suggest the claimed invention, namely, the feature of the heating temperature. Specifically, regarding the heating temperature, JP '285 merely discloses at paragraph [0040] that polylactic resin compositions were pressed at 250°C for three minutes outside the scope of amended claim 9 which requires a molded article prepared by injecting a specific resin composition into a heated mold having a heating temperature of 90 to 130°C.

As discussed at page 14, lines 11-18 of the specification, by making the mold temperature 90°C or higher, the heat resistance of the resulting molded article can be further improved, for example, elevation of the heat deformation temperature thereof can be achieved. By making the mold temperature 130°C or lower, the curing time of the biodegradable resin composition is shortened and thus production cost can be suppressed.

Although claim 9 is directed to a biodegradable resin molded article (product), in view of the disclosure at page 14 of the specification it is clear that the mold heating temperature is not simply a process limitation but also provides a product that is different, in an unobvious way, from the article of JP '285 pressed at 250°C. Thus, the limitation as to the mold heating temperature properly distinguishes over the prior art article.

For the above reasons, it is respectfully submitted that amended claim 9 and claims 11-13 depending therefore are patentable over JP '285, and withdrawal of the foregoing rejection is respectfully requested.

Claims 1 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,881,876 to Nurmi et al. Nurmi et al. was cited as teaching a fiber made of a blend of 99 wt% L-polylactide and 1 wt% D-polylactide, citing column 6, lines 9-12.

Claims 1 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,645,618 to Hobbs et al. Hobbs et al. was cited as teaching a fiber made of a blend of equal amounts of L-polylactide and D-polylactide, citing column 5, lines 22-28.

Claim 5 was rejected under 35 U.S.C. § 102(e) as being unpatentable over JP '285, further in view of U.S. Patent 5,593,778 to Kondo et al. Kondo et al. was cited as teaching biodegradable polyesters made of L-lactic acid and D-lactic acid including carboxylic acid units derived from citric acid (column 23, line 64).

The amendment to claim 1 incorporating therein the recitation of allowable claims 2 and 6 obviates the rejections over Nurmi et al. and Hobbs. Claim 5 has been canceled, and the rejection of claim 5 over JP '285 in view of Kondo et al. is moot.

Applicants appreciate the Examiner's indication of allowable subject matter, noting that none of the cited prior art teaches or suggests the use of a saccharide monomer in a blend of L-lactic acid and D-lactic acid resins.

Withdrawal of all rejections and allowance of claims 1, 7-9 and 11-13 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/787,415

Q80109

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Respectfully submitted,



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Date: June 9, 2006